

House File 816

H-8199

1 Amend House File 816 as follows:

2 1. Page 1, before line 34 by inserting:

3 <Sec. _____. NEW SECTION. 422.72A Suspected misuse
4 of personal information — notice required.

5 1. For the purposes of this section, the following
6 definitions apply:

7 a. "*Affected individual*" means an individual who is
8 identified by or connected with personal information
9 contained in the department's records.

10 b. "*Personal information*" means all of the
11 following:

12 (1) Social security number.

13 (2) Tax identification number.

14 (3) Driver's license number or other unique
15 identification number created or collected by a
16 government body.

17 (4) Financial account number, credit card number,
18 or debit card number in combination with any required
19 security code, access code, or password that would
20 permit access to an individual's financial account.

21 (5) Unique electronic identifier or routing code,
22 in combination with any required security code, access
23 code, or password.

24 c. "*Suspected misuse of personal information*"
25 means circumstances exist which would cause a
26 reasonable person to believe that an individual's
27 personal information is being used by an unauthorized
28 individual. Such circumstances include but are not
29 limited to either of the following:

30 (1) A tax identification number under which wages
31 are being reported by two or more individuals.

32 (2) A tax identification number of an individual
33 under the age of sixteen with reported wages exceeding
34 one thousand dollars for a single quarterly period.

35 2. a. Unless otherwise prohibited by state or
36 federal law, the department shall provide notice
37 to each affected individual if department records
38 indicate a suspected misuse of personal information.
39 Notice shall be made without unreasonable delay. If
40 the affected individual is a minor, notice shall be
41 provided to the minor's parent or guardian.

42 b. If notice is provided to an affected individual
43 under paragraph "a", notice of the suspected misuse
44 of personal information shall also be provided to an
45 appropriate law enforcement agency.

46 3. Notice provided to an affected individual shall
47 be clear and conspicuous and be provided by at least
48 one of the following:

49 a. Written notice to the affected individual's last
50 address of record.

1 *b.* Electronic mail notice, if the affected
2 individual has agreed to receive communications
3 electronically.

4 *c.* Telephonic notice, if the communication is made
5 directly with the affected individual.>

6 2. Title page, line 3, after <interest> by
7 inserting <and requiring the department to provide
8 notice of suspected misuse of personal information>

9 3. By renumbering as necessary.

PETTENGILL of Benton